

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DASHAAN R. SMITH,

Plaintiff

v.

SUPERINTENDENT T. MCGINLEY,
et al.,

Defendants

: Civil No. 3:22-cv-1382

: (Judge Mariani)

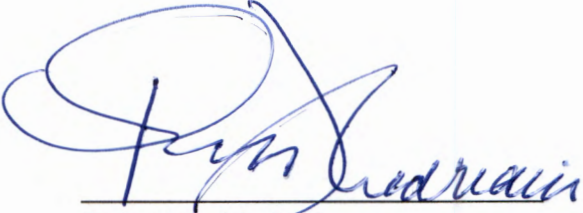
ORDER

AND NOW, this 28th day of May, 2024, upon consideration of Defendants' motion (Doc. 54) for summary judgment, and the parties' respective briefs in support of and in opposition to said motion, and for the reasons set forth in the accompanying Memorandum,

IT IS HEREBY ORDERED THAT:

1. The motion (Doc. 54) for summary judgment is **GRANTED**.
2. The Clerk of Court is directed to **ENTER** judgment in favor of Defendants Superintendent T. McGinley, Lieutenant Rice, Captain Dolton, Grievance Officer A. Wheary, D. Varner, J. Gibson, G. Burns, Unit Manager J. Dunn, and Correctional Officer Haines, and against Plaintiff.
3. Plaintiff's request (Doc. 69) for leave to amend to add a new Defendant and new claims is **DENIED**. See *Cureton v. Nat'l Collegiate Athletic Ass'n*, 252 F.3d 267, 273-74 (3d Cir. 2001) (affirming district court's denial of plaintiff's post-summary-judgment motion to amend because, among other things, "the motion was filed three years after the complaint was filed" and noting that "substantial or undue prejudice to the non-moving party is a sufficient ground for denial of leave to amend").
4. The Clerk of Court is further directed to **CLOSE** this case.

5. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. See 28 U.S.C. § 1915(g).



Robert D. Mariani
United States District Judge